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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,176	09/12/2003	Robert Stidd	270804 Stidd Tandem Tow	2175
4988	7590	12/27/2007	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			LOWE, MICHAEL S.	
			ART UNIT	PAPER NUMBER
			3652	
			MAIL DATE	DELIVERY MODE
			12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,176

Applicant(s)

STIDD, ROBERT

Examiner

M. Scott Lowe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-56 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-56 and 58-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 61 is rejected under 35 U.S.C. 102(b) as being anticipated by Lapiolahti (US 4,750,856).

Re claim 61, Lapiolahti teaches a method of towing two vehicles (at least by the inherent method of use) comprising using a device that has a base (various, 3, etc.), a plurality of wheels (various, 69, etc.) connected to said base, a plurality of racks (generally 10, 85) on and connected to said base, placing one vehicle (not numbered) on said racks, and placing two wheels of a second vehicle (not numbered) on a movable vehicle locator swivel plate located on said base behind said wheels adjacent a rear end of said base, where said movable vehicle locator swivel plate (generally 43, 44, etc.) pivots in a vertical plane on a pivot bolt (generally 42) attached to the bottom of said

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movable vehicle locator swivel plate, positioning said movable vehicle locator swivel plate along a longitudinal axis for better load balance of said device (41,31 telescope).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 54-56,58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapiolahti (US 4,750,856) in view of Neasham (US 4,118,047).

Re claim 54, Lapiolahti teaches a device to tow a vehicle comprising a base (various, 3,etc.) comprising of a longitudinally extending main support beam (generally 31,41,3, etc.) and a rack support base (generally 10,etc.) attached to said main support a pair of wheels (various, 69,etc.) on opposite sides of and connected to said rack support base having an axis of rotation at right angles to said main support beam, said axis of rotation being located between front and rear ends of said base, a movable vehicle locator swivel plate mounted on an upper side of and adjacent the rear end of said base to the rear of said axis of rotation for supporting two wheels of a vehicle being towed, said movable locator swivel plate (generally 43,44,etc.) pivoting around on a vertical axis (via 42) being a point of rotation for said vehicle being towed as said towing vehicle moves through a radius of a turn, and means for adjusting (41,31 telescope) and

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said movable locator swivel plate along a longitudinal axis of said base to adjust loads on said hitch.

Lapiolahti does not teach a hitch. However Neasham teaches a hitch (generally 14) mounted on a forward end of a main support beam (generally 38,12), extending from the front end of said base for attachment to a towing vehicle with an adjustable swivel plate (generally 20) in order to allow the versatility of various vehicles being able to tow. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lapiolahti by the teaching of Neasham to have the towing portion be connected to the truck by a hitch in order to allow the versatility of various vehicles being able to tow, particularly if one towing vehicle is unavailable.

Re claim 55, Lapiolahti as already modified by Neasham teaches one or more racks (generally 10,85) mounted on an upper surface of said base between said hitch and said wheels to support an additional vehicle whereby said swivel plate is adjusted to compensate for an added load on said hitch by said additional vehicle.

Re claim 56, Lapiolahti teaches said racks can be positioned on said base so the spacing between said racks is such that a golf cart could be supported on the racks.

Re claim 58, Lapiolahti teaches a single rack is centered on said base where an item can be stored on said base.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lapiolahti (US 4,750,856) in view of Neasham (US 4,118,047).

Re claim 59, Lapiolahti teaches said movable vehicle locator swivel plate pivots on a pivot attached to the bottom of said movable vehicle locator swivel plate. Lapiolahti is silent as to whether the pivot has a nut and bolt but nut and bolt connections are common and well known as a means of securely providing a pivot connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lapiolahti to have nut and bolt connection in order to have the pivot connection be secure.

Claim 60 rejected under 35 U.S.C. 103(a) as being unpatentable over Lapiolahti (US 4,750,856) in view of Neasham (US 4,118,047), and further in view of Hahn (US 6,092,970).

Re claim 60, Lapiolahti teaches the pivot bolt being movable longitudinally by way of the telescoping connection (31,41) to adjust load balance and Neasham also teaches this by way of longitudinally spaced studs (30) to adjust load balance, but neither reference mentions a plurality of spaced openings being part of the adjusting means. Hahn teaches a plurality of spaced openings (generally 64) being part of an adjusting means in order to keep a vehicle in a desired location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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modified Lapiolahti by the general teaching of Hahn to have a plurality of spaced openings being part of the adjusting means (for the pivot bolt) in order to keep a vehicle in a desired location and increase versatility.

Conclusion

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael Lowe 12/19/07

Michael Lowe

Patent Examiner AU 3652